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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,272	09/21/2005	Blake R Weiler	A35285-PCT-USA (065855.03	4315

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EXAMINER	
NAJARIAN, LENA	

ART UNIT	PAPER NUMBER
3686	

NOTIFICATION DATE	DELIVERY MODE
02/17/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDOCKET@BAKERBOTTS.COM

Office Action Summary	Application No.	Applicant(s)	
	10/517,272	WEILER ET AL.	
	Examiner	Art Unit	
	LENA NAJARIAN	3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 10/21/09. Claims 1 and 16-21 have been amended. Claims 1-21 remain pending.

Claim Rejections - 35 USC § 101

2. The rejection of claims 1-9 and 16-21 under 35 U.S.C. 101 is hereby withdrawn due to the amendment filed 10/21/09.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 7, 8, 10, 13, 14, 16, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Robin (US 2002/0005935 A1).

(A) Referring to claim 1, Robin discloses a method for analyzing prescription data, comprising the steps of:

receiving an indication of a selected report type (para. 106 of Robin);

accessing at least one from the group consisting of product oriented longitudinal data, patient oriented longitudinal data and prescriber oriented longitudinal data based at least in part on the selected report type (para. 106 and para. 110 of Robin);

analyzing, by a computer processor, the accessed at least one from the group consisting of product oriented longitudinal data, patient oriented longitudinal data and prescriber oriented longitudinal data (para. 20, para. 63, and para. 65 of Robin); and

formatting a report of the selected report type including the accessed at least one from the group consisting of product oriented longitudinal data, patient oriented longitudinal data and prescriber oriented longitudinal data (para. 106 of Robin).

(B) Referring to claim 2, Robin discloses wherein the selected report type is a product oriented report (Fig. 34A, para. 73, and Fig. 19 of Robin).

(C) Referring to claim 3, Robin discloses wherein the selected report type is a patient oriented report (para. 73 and para. 106 of Robin).

(D) Referring to claim 4, Robin discloses wherein the selected report type is a prescriber oriented report (abstract, Fig. 34A, and para. 73 of Robin).

(E) Referring to claim 7, Robin discloses wherein the report includes proportions of valid values for a data attribute (Fig. 34B and para. 106 of Robin).

(F) Referring to claim 8, Robin discloses wherein the data attribute includes at least one from a group consisting of category, patient gender, patient age, and patient gender by age combination (Fig. 34B and para. 106 of Robin).

(G) Referring to claim 10, Robin discloses a system for accessing sales data, comprising:

a data storage device including a database and configured to receive a data access request indicating a selected report type, accesses at least one of product oriented longitudinal data, patient oriented longitudinal data and prescriber oriented longitudinal data based at least in part on the selected report type, and transmit data responsive to the data access request (para. 106, para. 110, and Fig. 35 of Robin); and

a server coupled to said data storage device and configured to receive an indication of a selected report type, send a data access request to the data storage device, receive the at least one of product oriented longitudinal data, patient oriented longitudinal data and prescriber oriented longitudinal data from the data storage device, analyze the at least one of product oriented longitudinal data, patient oriented longitudinal data and prescriber oriented longitudinal data, and format a report of the selected report type including the at least one of product oriented longitudinal data, patient oriented longitudinal data and prescriber oriented longitudinal data (para. 106, para. 20, para. 63, para. 110, and Fig. 35 of Robin).

(H) Claims 13-14, 16, and 19-20 repeat the same limitations as claims 7, 8, and 1, and are therefore rejected for the same reasons given above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5, 6, 11, 12, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robin (US 2002/0005935 A1) in view of *Official Notice*.

(A) Referring to claims 5 and 6, Robin does not expressly disclose wherein the longitudinal data covers a range of time of at least twelve months in duration and at most six years.

However, the Examiner takes Official Notice that it was old and well known at the time the invention was made to limit data based on time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to set a time range of twelve months to 6 years with the motivation of only including data relevant to the analysis.

(B) Claims 11, 12, 17, and 18 repeat the same limitations as claims 5 and 6, and are therefore rejected for the same reasons given above.

7. Claims 9, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robin (US 2002/0005935 A1) in view of Becker (US 2003/0125609 A1).

(A) Referring to claim 9, Robin does not disclose wherein each of the proportions is associated with a confidence interval, wherein the confidence interval describes the reliability of the proportion.

Becker discloses wherein each of the proportions is associated with a confidence interval, wherein the confidence interval describes the reliability of the proportion (para. 5-7 of Becker).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of Becker within Robin. The motivation for doing so would have been to provide reliable assessments of health status (para. 2 of Becker).

(B) Claims 15 and 21 repeat the same limitations as claim 9, and are therefore rejected for the same reasons given above.

Response to Arguments

8. Applicant's arguments filed 10/21/09 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 10/21/09.

(1) Applicant argues that nothing in Robin describes longitudinal data.

(A) As per the first argument, the Examiner respectfully submits that she gave the term "longitudinal" the broadest reasonable interpretation in light of Applicant's specification.

For example, at page 3, lines 30-31 of Applicant's specification, "longitudinal" data is defined as "data collected over a particular period of time where a patient can be tracked." Robin teaches updating data at regular intervals (see para. 65 of Robin). As such, it is readily apparent the Robin discloses data collected over a particular period of time.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENA NAJARIAN whose telephone number is (571) 272-7072. The examiner can normally be reached on Monday - Friday, 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/L. N./
Examiner, Art Unit 3686
ln
2/1/10

/Gerald J. O'Connor/
Supervisory Patent Examiner
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